

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2012 Legislative Session, Legislative Day No. : June 26, 2012

Bill No.: 1219

Expiration Date: August 30, 2012

Introduced by: Mr. Bartlett, Mr. Duncan, Mr. Hollis, Mr. Pack, Ms. Price

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

By the Council: June 26, 2012

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order



Susan W. Moran, Secretary

A BILL TO REPEAL AND REENACT CHAPTER 60 OF THE TALBOT COUNTY CODE, *CODE OF ETHICS*, TO INCORPORATE REQUIREMENTS ESTABLISHED BY SB 315, CHAPTER 277, 2010 ACTS OF MARYLAND GENERAL ASSEMBLY

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that Chapter 60, Talbot County Code, *Code of Ethics* is hereby repealed and reenacted in its entirety, as set forth in the attachment entitled, *Talbot County Public Ethics Ordinance*, Chapter 60, Talbot County Code, which is incorporated by reference herein.

SECTION TWO: BE IT FURTHER ENACTED, that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter § 213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

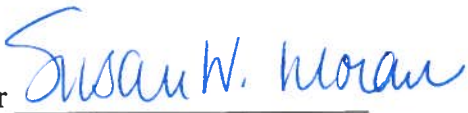
PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1219 having been published, a public hearing was held on Tuesday, July 24, 2012 at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland

BY THE COUNCIL

Read the third time.

ENACTED: **July 24, 2012**

By Order 
Susan W. Moran, Secretary

Pack	-	Aye
Hollis	-	Aye
Bartlett	-	Aye
Price	-	Aye
Duncan	-	Aye

**TALBOT COUNTY PUBLIC ETHICS ORDINANCE
CODE, CHAPTER 60**

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Appendix B — Model Ethics Law B

Authority: State Government Article, §§15-205, 15-206, and Title 15, Subtitle 8, Annotated Code of Maryland

CHAPTER 60 – ETHICS PROVISIONS

§ 60-1. Short title

This chapter may be cited as the Talbot County Public Ethics Ordinance.

§ 60-2. Definitions

- (a) “Candidate” means a candidate for election to the County Council.
- (b) “Commission” means the Talbot County Ethics Commission.
- (c) “County” means Talbot County, Maryland.
- (d) “County Council” or “Council” means the Talbot County Council.

(e) “Doing business with the County” means being a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the County, or any agency of the County, involving consideration of \$5,000 or more on a cumulative basis during the calendar year for which a required statement is to be filed.

(f) “Elected official” means a member of the County Council. It does not include the Sheriff, the State’s Attorney, or the Register of Wills.

(g) “Employee” or “employees” means all full-time County employees.

(h) “Financial interest” means:

(1) Ownership of any interest as the result of which the owner has received, within the past 3 years, or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or

(2) Ownership or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by the official or employee or the official or employee’s spouse.

(i) “Gift” means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. “Gift” does not include a political campaign contribution regulated under the Election Law Article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

(j) “Interest” means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly. For purposes of financial disclosure under § 60-5 of this chapter “interest” applies to interests held at any time during the calendar year for which a required statement is to be filed. “Interest” does not include:

(1) An interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has

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an equitable interest therein;

(2) An interest in a time or demand deposit in a financial institution;

(3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period; or

(4) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under sections 401 and 501 of the Internal Revenue Code of 1954.

(k) "Nonelected officials" means the county manager, county attorney, county department heads, , the chief code compliance officer, the alcoholic beverages inspector, members of the Electrical Board, members of the Board of Appeals, and members of the Planning Commission.

(l) "Official" means both elected officials and nonelected officials.

(m) "Qualified Relative" means a spouse, parent, child, or sibling.

§ 60-3. Applicability

The provisions of this chapter apply to all elected officials and all nonelected officials and employees as set forth herein.

§ 60-4. Ethics Commission

There is a Talbot County Ethics Commission that consists of five (5) members appointed by the County Council.

(a) The Commission shall:

(1) Devise, receive, and maintain all forms required by this chapter;

(2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons

subject to this chapter regarding the applicability of the provisions of this chapter to them;

(3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and

(4) Conduct a public information program regarding the purposes and application of this chapter.

(b) The Commission shall certify to the State Ethics Commission on or before October 1 of each year that the County is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

(c) The Commission shall have advisory authority to recommend changes to this chapter consistent with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, and to forward any recommended changes to the County Council for consideration.

(d) The Commission may adopt policies and procedures to implement the Commission's programs established in this chapter.

(e) Commission members shall serve three-year terms staggered so that no more than two terms expire in any single calendar year. Members shall be residents of the County. Vacancies occurring prior to expiration of the term shall be filled in the same manner as an original appointment for the unexpired term. The Commission shall annually elect a Chairman and vice-chairman from its membership, and shall adopt rules of procedure not inconsistent with the terms of this Chapter to govern its meetings. The presence of three members shall constitute a quorum, and the affirmative vote of a majority of the members present at any meeting shall be sufficient for transaction of any business. Members of the Commission shall receive no compensation for their services.

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§ 60-5. Conflicts of interest, elected officials

This section applies to elected officials.

(a) Participation prohibitions. Except as permitted by Commission regulation or opinion, an elected official may not participate in:

- (1) Any matter in which, to the knowledge of the elected official, the elected official or a qualified relative of the elected official has an interest.
- (2) Any matter in which any of the following is a party:
 - (A) A business entity in which the elected official has a direct financial interest of which the elected official may reasonably be expected to know;
 - (B) A business entity for which the elected official, or a qualified relative of elected official is an officer, director, trustee, partner, or employee;
 - (C) A business entity with which the elected official or, to the knowledge of the elected official, a qualified relative is negotiating employment or has any arrangement concerning prospective employment.
 - (D) If the contract reasonably could be expected to result in a conflict between the private interests of the elected official and the official duties of the elected official, a business entity that is a party to an existing contract with the elected official, or which, to the knowledge of the elected official, is a party to a contract with a qualified relative;
 - (E) An entity, doing business with the County, in which a direct financial interest is owned by another entity in which the elected official has a direct financial interest, if the elected official may be reasonably expected to know of both direct financial interests; or
 - (F) A business entity that:

(i) The elected official knows is a creditor or obligee of the elected official or a qualified relative of the elected official with respect to a thing of economic value; and

(ii) As a creditor or obligee, is in a position to directly and substantially affect the interest of the elected official or a qualified relative of the elected official.

(3) An elected official who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:

(A) The disqualification leaves a body with less than a quorum capable of acting; or,

(B) The disqualified elected official is required by law to act; or

(C) The disqualified elected official is the only person authorized to act.

(4) The prohibitions of paragraph (1) and (2) of this subsection do not apply to the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter.

§ 60-6. Conflict of interest, nonelected officials and employees

This section applies to nonelected officials and employees.

(a) Participation prohibitions. Except as permitted by Commission regulation or opinion, a nonelected official or employee may not participate in a County matter that would have a direct and economic impact, distinct from the impact on the public at large, on the nonelected official or employee or that, to the knowledge of the nonelected official or employee, would have a direct economic impact on:

(1) A spouse, parent, sibling, or child of the nonelected official or employee; or

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(2) A business entity with which any of the following is affiliated:

(A) The nonelected official or employee; or

(B) A spouse, parent, sibling, or child of the nonelected official or employee.

(b) The Commission may:

(1) Grant exceptions to the participation restrictions in this section where no conflict of interest exists or when the interest is too remote and insubstantial to affect the integrity of the public actions of the nonelected official or employee; and,

(2) Authorize participation notwithstanding a conflict when the disqualification would leave a body with less than a quorum capable of acting, the disqualified nonelected official or employee is required by law to act, or the disqualified nonelected official or employee is the only individual authorized to act.

§ 60-7. Employment and financial interest restrictions

Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not be employed by or have a financial interest in any entity:

(a) Subject to the authority of the official or employee or the County agency, board, commission with which the official or employee is affiliated; or

(b) That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or

(c) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.

(d) This prohibition does not apply to:

(1) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that

persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(2) Subject to other provisions of law, a member of a board or commission with regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;

(3) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or,

(4) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

§ 60-8. Post-employment limitations and restrictions

(a) A former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.

(b) Until the conclusion of the next regular session that begins after the elected official leaves office, a former member of the County Council may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(c) Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.

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§ 60-9. Use of prestige of office

- (a) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
- (b) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

§ 60-10. Solicitation and acceptance of gifts

- (a) An official or employee may not solicit any gift.
- (b) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
- (c) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

- (1) Is doing business with or seeking to do business with the County office, agency, board, or commission with which the official or employee is affiliated;
- (2) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
- (3) Is engaged in an activity regulated or controlled by the official's or employee's department, board, or commission; or
- (4) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

- (d) Notwithstanding paragraphs (c) (1) through (4) of this subsection, an official or employee may accept the following:

- (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;

- (2) Ceremonial gifts or awards that have insignificant monetary value;

- (3) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;

- (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;

- (5) Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;

- (6) A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;

- (7) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or

- (8) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.

- (e) Paragraph (d) of this subsection does not apply to a gift:

- (1) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;

- (2) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

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- (3) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

§ 60-11. Disclosure of confidential information

Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.

§ 60-12. Participation in procurement

- (a) An individual or a person that employs an individual who assists a County agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- (b) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

§ 60-5. Financial disclosure – elected officials and candidates

This section applies to elected officials and candidates.

- (a) Except as provided in subsection (b) of this section, elected officials and candidates shall file a financial disclosure statement required under this section:
- (1) On a form provided by the Commission;
 - (2) Under oath or affirmation; and
 - (3) With the Commission.
- (b) Deadlines for filing statements
- (1) An incumbent elected official shall file a financial disclosure statement annually no

later than April 30 of each year for the preceding calendar year.

- (2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
- (3) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office.

(c) The statement shall cover:

- (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- (2) The portion of the current calendar year during which the individual held the office.

(d) Candidates

- (1) Except for an elected official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) Candidates shall file a statement required under this section:
 - (A) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (B) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - (C) In all other years for which a statement is required, on or before April 30.

(3) A candidate:

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- (A) May file the statement required under § 60-5(d)(2)(A) of this chapter with the Board of Election Supervisors with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - (B) Shall file the statements required under § 60-5(d)(2)(B) and (C) with the Commission.
 - (4) If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - (5) The Board of Election Supervisors may not accept any certificate of candidacy unless a statement has been filed in proper form.
 - (6) Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Commission or the office designated by the Commission.
- (e) Public record
- (1) The Commission or office designated by the Commission shall maintain all financial disclosure statements filed under this section.
 - (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the Commission.
 - (3) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (A) The name and home address of the individual reviewing or copying the statement; and
 - (B) The name of the person whose financial disclosure statement was examined or copied.
 - (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the Commission or the office designated by the Commission shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
 - (f) Retention requirements. The Commission or the office designated by the Commission shall retain financial disclosure statements for four years from the date of receipt.
 - (g) Contents of statement
 - (1) Interests in real property
 - (A) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (B) For each interest in real property, the schedule shall include:
 - (i) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - (ii) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (iii) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - (iv) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (v) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the

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nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and

- (vi) The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships

(A) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County.

- (i) For each interest reported under this paragraph, the schedule shall include:

a. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

b. The nature and amount of the interest held, including any conditions and encumbrances on the interest;

c. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

d. With respect to any interest acquired during the reporting period: (1) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and, (2) The nature and the amount of the consideration given in exchange for the interest or, if acquired

other than by purchase, the fair market value of the interest at the time acquired.

- (ii) An individual may satisfy the requirement to report the amount of the interest held under item § 60-5 (g) (2) of this paragraph by report-ing, instead of a dollar amount:

a. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

b. For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the County

(A) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under § 60-5 (g) (2) of this subsection.

(B) For each interest reported under this paragraph, the schedule shall include:

(i) The name and address of the principal office of the business entity;

(ii) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;

(iii) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and

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- (iv) With respect to any interest acquired during the reporting period:
 - a. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and,
 - b. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) Gifts
 - (A) A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the County.
 - (B) For each gift reported, the schedule shall include:
 - (i) A description of the nature and value of the gift; and
 - (ii) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) Employment with or interests in entities doing business with the County
 - (A) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.
 - (B) For each position reported under this paragraph, the schedule shall include:
 - (i) The name and address of the principal office of the business entity;
- (ii) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - (iii) The name of each County agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the County,
 - (A) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the County owed at any time during the reporting period:
 - (i) By the individual; or
 - (ii) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - (B) For each liability reported under this paragraph, the schedule shall include:
 - (i) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (ii) The amount of the liability owed as of the end of the reporting period;
 - (iii) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - (iv) The security given, if any, for the liability.
- (7) A statement filed under this section shall include a schedule of the immediate family members of the elected official and candidate who are employed by the County in any capacity at any time during the reporting period.

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(8) Sources of earned income.

(A) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

(B) A minor child's employment or business ownership need not be disclosed if the County does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

(9) A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(h) For the purposes of § 60-5(g) (1), (2), and (3) of this chapter, the following interests are considered to be the interests of the individual making the statement:

(1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

(2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

(A) The individual held a reversionary interest or was a beneficiary; or

(B) If a revocable trust, the individual was a settlor.

(i) Commission review and enforcement

(1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

(2) The Commission may take appropriate enforcement action to ensure compliance with this section.

§ 60-13. Financial disclosure – nonelected officials and employees

This section applies to nonelected officials and employees who, acting alone or as members of a board or commission, have decision-making authority or act as principal advisors to a person, board, or commission with that authority in making County policy or exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions. This section applies to the county manager, county attorney, all department heads, the chief code compliance officer, the liquor inspector, members of the Electrical Board, members of the Planning Commission, and members of the Board of Appeals.

(a) A statement filed under this section shall be filed with the Commission under oath or affirmation.

(b) On or before April 30 of each year during which a nonelected official or employee holds office, the nonelected official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the County, including the name of the donor of the gift and the approximate retail value at the time of receipt.

(c) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

(d) The Commission shall maintain all disclosure statements filed under this section as public records available for public inspection and

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copying as provided in § 60-5(e) and (f) of this chapter.

§ 60-14. Lobbying

(a) A person shall file a lobbying registration statement with the Commission if the person:

(1) Personally appears before a County official or employee with the intent to influence that person in performance of the official duties of the official or employee; and

(2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$250 on food, entertainment, or other gifts for officials or employees of the County.

(b) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within 5 days after first performing an act that requires registration in the calendar year.

(c) Contents

(1) The registration statement shall identify:

(A) The registrant;

(B) Any other person on whose behalf the registrant acts; and

(C) The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

(2) The registration statement shall cover a defined registration period not to exceed one calendar year.

(d) Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:

(1) The value, date, and nature of any food, entertainment, or other gift provided to a County, official or employee; and

(2) If a gift or series of gifts to a single official

or employee exceeds \$50.00 in value, the identity of the official or employee.

(e) The Commission shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four years after receipt by the Commission.

§ 60-15. Exemptions and modifications

The Commission may grant exemptions and modifications to the provisions of § 60-6 and § 60-13 of this chapter to nonelected officials and employees, when the Commission finds that an exemption or modification would not be contrary to the purposes of this chapter, and the application of this chapter would:

(a) Constitute an unreasonable invasion of privacy; and

(b) Significantly reduce the availability of qualified persons for public service.

§ 60-16. Enforcement

(a) The Commission may:

(1) Assess a late fee of \$2 per day up to a maximum of \$250 for a failure to timely file a financial disclosure statement required under §60-6 or §60-7 of this chapter;

(2) Assess a late fee of \$10 per day up to a maximum of \$250 for a failure to file a timely lobbyist registration or lobbyist report required under § 60-8 of this chapter; and

(3) Issue a cease and desist order against any person found to be in violation of this chapter.

(b) Upon a finding of a violation of any provision of this chapter, the Commission may:

(1) Issue an order of compliance directing the respondent to cease and desist from the violation;

(2) Issue a reprimand; or

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- (3) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
 - (c) If the Commission finds that a respondent has violated § 60-14 of this chapter, the Commission may:
 - (1) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably relates to the information that is required under § 60-8 of this chapter;
 - (2) Impose a fine not exceeding \$5,000 for each violation; and
 - (3) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated § 60-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
 - (c) Circuit Court action.
 - (1) Upon request of by the Commission, the County Attorney may file a petition for injunctive or other relief in the circuit court of Talbot County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this chapter.
 - (2) The court may:
 - (A) Issue an order to cease and desist from the violation;
 - (B) Except as provided in subparagraph (B) (ii) of this paragraph:
 - (i) Void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
- (ii) Notwithstanding subparagraph (B) (i), a court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
 - (C) Impose a fine of up to \$5,000 for any violation of the provisions of this chapter, with each day upon which the violation occurs constituting a separate offense.
 - (d) In addition to any other enforcement provisions in this chapter, a person who the Commission or a court finds has violated this chapter:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission or a court.
 - (e) A County official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
 - (f) Violation of § 60-14 of this chapter shall be a misdemeanor subject to a fine of up to \$10,000 or imprisonment of up to one year.
 - (g) A finding of a violation of this chapter by the Commission is public information.

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